

To: Finigan, Thomas (NFK)[Thomas.Finigan@MassMail.State.MA.US]
From: Khan, Annie (DPH)
Sent: Tue 8/9/2011 11:01:32 AM
Subject: RE: Question

Thanks Tom. Much appreciated.

The Feds resubmitted a couple of samples to me to be re-analyzed b/c the other chemists were no longer available. Judge Wolf had no issues with me testifying since I had completed the other 6 samples related to the case.

Suffolk is trying to avoid re-submitting samples to us, so a lot of those cases are being continued. Like Norfolk, Cape & Islands, Essex and Plymouth have motions to allow substitute chemist. Bristol and Middlesex have had no concerns, yet!!

Spoke with the AG, my interpretation is that we can offer a substitute chemist as long as all the documentation and analysis of the sample/s is reviewed by qualified chemist. Then that reviewer can testify, if needed.

Unfortunately, there are only 3 chemists (Chief of lab, MS Supervisor and myself) that have knowledge on how to perform all analysis for any potential narcotic. My goal is to finish the writing the criteria for the comprehensive review and the protocols from chain of custody to all drug testing done in the lab. And eventually train the entire lab on these procedures.

I have to submit some protocols and entire comprehensive review guidelines to the AG at the end of the month. I'll keep you posted.

Annie

From: Finigan, Thomas (NFK)
Sent: Monday, August 08, 2011 4:57 PM
To: Khan, Annie (DPH)
Subject: RE: Question

Annie, I've checked around—it looks like we have not yet had to resort to calling a substitute chemist. We have a standard motion seeking the court's approval to allow it, but it hasn't been put to the test! How have other

counties made out?

From: Khan, Annie (DPH)
Sent: Friday, July 29, 2011 1:55 PM
To: Finigan, Thomas (NFK)
Subject: Question

Hi Tom,

Sorry to bother you. But I have a question in regards to the Bullcoming Decision for the US Supreme Court.

I have a meeting with AG's office next month to discuss my stand point on the Bullcoming Decision and what are my recommendations/solutions to address this matter.

I am currently in the process of writing the protocols for the Chemical Terrorism and Drug Analysis Lab due to the Bullcoming Decision. I have been contacted by a few of your colleagues in other Superior courts on how to address the issue of substitute chemist. I was curious if you or your colleagues at Norfolk have been impacted by this decision, yet?

Thanks to Mr. Melendez-Diaz and Mr. Bullcoming, they have made life a little more difficult for all of us.

Any help or suggestion would be much appreciated. Have a nice weekend.

Thanks.

Annie

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